

In the Drawings:

Enclosed are formal drawings for Figures 1-11, which are line drawings without shading and have uniform line thicknesses. Subject to the approval of the Examiner, it is respectfully requested that the new drawing sheets be substituted for the originally filed formal drawings for Figures 1-11.

### **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed July 20, 2004.

No fee is due for the addition of any new claims.

Claims 3-4, 7-10, 12, 14, 16-47, and 49-50 were pending in the Application prior to the outstanding Office Action. Within the Office Action, claims 7, 9, 28 and 49 were allowed. In addition, claims 4, 8, 10, 12, 14, 16-20, 23, 25-26, 29-40, 42-45 and 50 were rejected. Further, claims 3-4, 8, 10, 12, 14, 17, 19, 21-27, 46-47, and 50 were objected to. The Applicants have amended claims 3-6, 8-17, 19-21, 23, 25, 26, 31, 38, 40, 41, 43, 46, 48 and 50. Of the amended claims, claims 5, 6, 11, 13, 15, and 48 were previously withdrawn and are now reinstated into the present application. Reconsideration of the rejections is requested.

### **Election/Restriction**

Within the Office Action, it is stated that Claim 41 has been withdrawn from further consideration as being drawn to a non-elected species on May 7, 2004. The Applicants respectfully disagree. In the May 7, 2004 response, the Applicants elected Group II which includes Claims 3, 4, 7-10, 12, 14, 16-47 and 49-50. Accordingly, Claim 41 was elected and is therefore not withdrawn from the application. The Applicants respectfully request reinstatement of Claim 41 in accordance with the Election filed May 7, 2004.

### **Title/Abstract**

Within the Office Action, it is stated that the title of the invention is not descriptive and the abstract of the disclosure is objected to. The Applicants have amended the Title and the Abstract accordingly. The Applicants contend that the amended Title and Abstract are now in correct form.

## **Drawings**

The Applicants have provided new formal drawings Figures 1-11. The new Figures 1-11 replace the previous version of Figures 1-11. The Applicants respectfully request new formal Figures 1-11 to be entered into the present application.

## **Claim Objections**

Within the Office Action, it is stated that Claims 3, 17, 19, 21, 23 and 25 are objected to for grammatical informalities. The Applicants have amended 3, 17, 19, 21, 23 and 25 to overcome the objections. Accordingly, the Applicants submit that Claims 3, 17, 19, 21, 23 and 25 are now in a condition for allowance.

## **Rejection Under 35 U.S.C. 112**

Within the Office Action, Claims 4, 8-10, 12, 14, 16, 19, 20, 25 and 26 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the present invention. The Applicants respectfully disagree.

Regarding Claims 4 and 8, the Applicants have amended Claims 4 and 8 to now recite that the vacuum valve is removable. Accordingly, the rejections on Claims 4 and 8 are now moot and Claims 4 and 8 are in a condition for allowance.

Regarding Claims 12 and 14, the Applicants have amended Claims 12 and 14 to now recite that the height varies with respect to the vacuum lid. Accordingly, Claims 12 and 14 are now definite and are in a condition for allowance.

Regarding Claims 19 and 25, the Applicants have amended Claims 19 and 25 to now recite that the vacuum membrane includes a plurality of upstanding tabs. The Applicants submit that amended Claims 19 and 25 are now more clear and definite. Accordingly, Claims 19 and 25 are now in a condition for allowance.

Regarding Claims 20 and 26, the Applicants have amended Claims 20 and 26 to now recite that the vacuum membrane includes a ring of upstanding tabs. The Applicants submit that amended Claims 20

and 26 are now more clear and definite. Accordingly, Claims 20 and 26 are now in a condition for allowance.

It should be noted that the above amendments are to further clarify the claims and are in no way meant to be limiting.

### **Rejections Under 35 U.S.C. 102**

Within the Office Action, Claims 17, 18, 23, 24, 29-40 and 42-25 have been rejected under 35 U.S.C. 102(b). In particular, Claims 17, 18, 23, 24, 29 and 30 are rejected as being anticipated by U.S. Patent No. 5, 546, 997 to Miramon (hereinafter Miramon). In addition, Claims 31-40 and 42-45 are rejected as being anticipated by U.S. Patent No. 5,405,038 to Chuang (hereinafter Chuang). The Applicants respectfully disagree.

#### Claims 17, 18, 23, 24, 29 and 30

The present invention is directed to a vacuum lid having a vacuum valve, whereby the lid couples to a container. The vacuum valve includes a raised member or housing and a container valve. The raised member is coupled to the lid, whereby the container valve is positioned within the raised member and fits within an access aperture in the lid. The raised member has an opening which allows air to be drawn from the container. In particular, suction applied through the first aperture causes the valve within the raised member to unseat, thereby allowing air from the container to pass through the access aperture to the opening in the raised member. In addition, the raised member includes a vacuum release device which comes in contact with the valve and unseats the valve when the raised member is rotated. Once the valve is unseated, the vacuum within the container draws air from the opening through the access aperture to equalize the pressure within the container.

Miramont is directed to a reusable lid with an evacuating pump. In particular, the lid includes a pump actuator 36 which draws air from the container through a first aperture 32. In addition, the device in Miramon includes a vacuum release valve 40 which allows air to enter the container to equalize the pressure. The vacuum release valve 40 is coupled to a second aperture 34 which is separate from the first

aperture 32. The member 20 operates the valve 40 to allow air into the container by pushing the member 20 downward.

In contrast to Miramon, Claim 17 recites a vacuum valve which, among other elements, includes a first access port provided through the raised member as well as a second container access port. Claim 17 also recites that a valve membrane seals the second container access port in a first position and opens the second container access port in the second position. Thus, the vacuum valve in Claim 17 allows air to be drawn from the container as well as allows air to enter the container. As stated above, Miramon does not teach that the member 20 has a first access port provided through it, but instead utilizes the separate aperture 32 to draw air from the container using the pump 36. Thus, Miramon does not teach each and every claim of Claim 17. Accordingly, Claim 17 is distinguishable over Miramon and is thus allowable.

Claim 18 has also been rejected as being anticipated by Miramon. However, Claim 18 is dependent on Claim 17. As stated above, Claim 17 is distinguishable from the teachings of Miramon and is therefore allowable. Accordingly, Claim 18 is thus also allowable for being dependent on an allowable base claim.

In addition, Claim 23 is distinguishable over Miramon. Claim 23 recites a vacuum valve which, among other elements, includes a first access port provided through the housing member as well as a second container access port. Claim 23 also recites that a valve membrane seals the second container access port in a first position and opens the second container access port in the second position. As stated above, Miramon does not teach that the member 20 has a first access port provided through it. Thus, Miramon does not teach each and every claim of Claim 23. Accordingly, Claim 23 is distinguishable over Miramon and is thus allowable.

Claims 24, 29 and 30 have also been rejected as being anticipated by Miramon. However, Claims 24, 29 and 30 are dependent on Claim 23. As stated above, Claim 23 is distinguishable from the teachings of Miramon and is allowable. Accordingly, Claims 24, 29 and 30 are also allowable for being dependent on an allowable base claim.

### Claims 31-40 and 42-25

Chuang is directed to a vacuum food container device which couples to a container and includes a lid having two layers with several holes in each layer. The valve in Chuang contains an umbrella shaped silicon piece 26 which can bend upwards to allow air to be drawn out of the container 10 by the pump 30. The silicon piece 26 is bent upwards when the pump 30 is vertically actuated to draw air from the container 10, whereby air is pulled from the container 10 through the exposed holes 25. To release the vacuum in the container 10, the T-shaped button 27 is pressed downward to bend the silicon piece 26 upwards, thereby exposing the holes 25 and allowing air into the container 10. However, there is no teaching in Chuang that the pump 30 or silicon piece 26 is rotated in a desired direction to allow air through the holes 25.

In contrast, Amended Claim 31 recites, among other elements, a movable raised member connected with the top surface and configured to allow air to enter and exit through the access aperture, wherein the movable raised member covers the access aperture and allows air through the access aperture when the raised member is rotated in a desired direction. As stated above, Chuang does not teach releasing the pressure in the container by rotating the piece 26 or pump 30. For at least these reasons, the present invention in Claim 31 is distinguishable from Chuang. Accordingly, Claim 31 is allowable over Chuang.

Claims 32-40 and 42-45 have also been rejected as being anticipated by Chuang. However, Claims 32-40 and 41-45 are dependent on Claim 31. As stated above, Claim 31 is distinguishable from the teachings of Chuang and is thus allowable. Accordingly, Claims 32-40 and 41-45 are also allowable for being dependent on an allowable base claim.

### **Allowable Subject Matter**

Within the Office Action, it is stated that Claims 22, 24, 27, 46 and 47 are objected to as being dependent on a rejected base claim and would be allowable if rewritten in independent form. Claim 22 is dependent on Claim 17. As stated above, Claim 17 is distinguishable from the teachings of Miramon and

is allowable. Accordingly, Claim 22 is also allowable for being dependent on an allowable base claim and need not be amended in independent form. In addition, Claims 24 and 27 are dependent on Claim 23. As stated above, Claims 23 is distinguishable from the teachings of Miramon and is allowable. Accordingly, Claims 24 and 27 are also allowable for being dependent on an allowable base claim and need not be amended in independent form.

Regarding Claim 46, Claim 46 is an independent claim and is not dependent on another claim. The Applicants respectfully request reconsideration of Claim 46. Nonetheless, for the reasons stated above, Claim 46 is distinguishable over the teachings of Miramon and Chuang. Accordingly, Claim 46 is allowable over the prior art. Claim 47 is a claim dependent on Independent Claim 46. As stated, Claim 46 is distinguishable from the teachings of Miramon and Chuang and is thus allowable. Accordingly, Claim 47 is also allowable for being dependent on an allowable base claim and need not be amended in independent form.

Additionally, within the Office Action, it is stated that Claims 3, 4, 8, 10, 12, 14, 21, 23, 25, 26 and 50 appear to be allowable if rewritten to overcome the 35 USC 112 rejection and claim objections.

Claim 3 has been amended to be in independent form. For the reasons stated above with respect to the other independent claims, amended Claim 3 is distinguishable over Miramon and Chuang, individually or in combination. Accordingly, Claim 3 is allowable over the prior art.

Claim 4 is dependent on Claim 3 and has been amended to overcome the 35 USC 112 rejection. As stated above, Claim 3 is distinguishable from the teachings of Miramon and Chuang, and is therefore allowable. Accordingly, Claim 4 is also allowable and need not be amended to be in independent form.

Regarding dependent Claims 8, 9, 10, 12, 14 and 16, these claims have been amended to overcome the 35 USC 112 rejection and to be dependent on Claim 7. As recognized in the Office Action, Claim 7 is allowable over the prior art. Accordingly, Claims 8, 9, 10, 12, 14 and 16 are also allowable and need not be amended to be in independent form.

Regarding dependent Claims 21, 23, 25, 26 and 50, these claims have been amended to overcome the 35 USC 112 rejection and/or the objections. Accordingly, 21, 23, 25, 26 and 50 are in a condition for allowance.

## Re-Added Claims

In the Applicants' prior response dated December 1, 2003, the Applicants withdrew without prejudice Claims 5, 6, 11, 13, 15 and 48. Within the present response, Claims 5, 6, 11, 13, 15 and 48 have been added back into the present application and amended, as these claims are now directed to the elected invention under examination. Accordingly, Applicants respectfully request reconsideration of Claims 5, 6, 11, 13, 15 and 18.

## Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By:



Suvashis Bhattacharya  
Reg. No. 46,554

Customer No. 23910  
FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800